

DETAILED ACTION

Allowable Subject Matter

Claims 1-35 are allowed.

The following is an examiner's statement of reasons for allowance: Applicant's affidavit submitted on 01-08-11 distinguishes the current claims over the prior art used in the previous rejections. The prior art does not contain the claimed solvent extraction solution used in the process of claim 1.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric Demaster on 01-18-11.

The application has been amended as follows:

In claim 1, the last phrase in last line that says "an aqueous phase" should be "an aqueous phase."

The phrase "an organic phase" in line 1 of claim 4 should read "the organic phase."

In claim 16, the words "the target elements" of line 3 should be removed and replaced with "the nickel, cobalt or both."

In claim 20 the "and" after the word "wherein" in line 1 should be removed.

The dependency of claim 26 should be claim 24 instead of claim 23.

Claim 36 is canceled.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA STALDER whose telephone number is (571)270-5832. The examiner can normally be reached on Monday-Friday, 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melvin Curtis Mayes can be reached on 571-272-1234. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

01-12-11

/Melvin Curtis Mayes/
Supervisory Patent Examiner, Art Unit 1732